

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD LEE TURNER,) No. C 11-1241 JSW (PR)
Plaintiff,)
v.) **ORDER OF DISMISSAL**
MEGAN M. CHUNG; GREGORY S.)
GILCHRIST; TOWNSEND,)
TOWNSEND & CREW, L.L.P.,)
Defendants.)

Plaintiff, a California prisoner, has filed this pro se civil rights complaint under 42 U.S.C. § 1983. The complaint in this action makes the same claims against the same defendants as the in forma pauperis complaint filed in Plaintiff's earlier case, *Turner v. Chung, et al.*, No. 11-0865 JSW (PR). The Court has dismissed Plaintiff's earlier case because the claims asserted therein are not cognizable. An in forma pauperis complaint, such as the complaint filed herein, that merely repeats pending or previously litigated claims may be considered abusive and dismissed under the authority of section 1915(e). *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995). An in forma pauperis complaint repeating the same factual allegations asserted in an earlier case, as here, is

//

1 therefore subject to dismissal as duplicative. *Bailey v. Johnson*, 846 F.2d 1019, 1021
2 (5th Cir. 1988). Accordingly, this action is DISMISSED.

3 The Clerk shall close the file and enter judgment in Defendants' favor.

4 IT IS SO ORDERED.

5 DATED: March 29, 2011

6 
7 JEFFREY S. WHITE
8 United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDWARD L TURNER,

Case Number: CV11-01241 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

MEGAN M CHUNG et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 29, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward L. Turner V-25872
Pleasant Valley State Prison
PO Box 8500
Coalinga, CA 93210

Dated: March 29, 2011

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk